

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

John Joseph Waters, Jr.,

Plaintiff,

Civ. No. 12-648 (RHK/LIB)

ORDER

v.

Gerard Leon Cafesjian, *et al.*,

Defendants.

Gerard Leon Cafesjian,

Third-Party Plaintiff,

v.

Cheri Kuhn Waters a/k/a Cheri Ann Kuhn,

Third-Party Defendant.

This matter is before the Court on Defendants' Objections (Doc. No. 78) to Magistrate Judge Brisbois's November 27, 2012 Order (Doc. No. 67) granting Plaintiff's Motion to Compel. Pursuant to 28 U.S.C. § 636(b)(1)(A), Federal Rule of Civil Procedure 72(a), and Local Rule 72.2(a), the Court must set aside those portions of Judge Brisbois's Order that are "clearly erroneous or contrary to law." A decision is clearly erroneous "when, after reviewing the entire record, a court is left with the definite and firm conviction that a mistake has been committed." Knutson v. Blue Cross & Blue Shield Minn., 254 F.R.D. 553, 556 (D. Minn. 2008) (Kyle, J.) (internal quotation marks

and citation omitted). A decision is contrary to law when it “fails to apply or misapplies relevant statutes, case law or rules of procedure.” Id. (citation omitted).

Having carefully reviewed the Order, the memoranda submitted in connection with the Motion to Compel, and Defendants’ Objections, and being sufficiently advised of the prior proceedings in this action, the Court concludes that the Order is neither clearly erroneous nor contrary to law. Based on the foregoing, and all the files, records, and proceedings herein, **IT IS ORDERED** that the Objections (Doc. No. 78) are **OVERRULED** and the Order (Doc. No. 67) is **AFFIRMED**.

Date: January 15, 2013

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge